

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

---

UNITED STATES OF AMERICA

v.

GINA BISIGNANO

Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:

No.: 21-cr-036 (CJN)

**DEFENDANT GINA BISIGNANO’S OPPOSITION TO THE GOVERNMENT’S  
MOTION TO REVOKE RELEASE ORDER**

Defendant Gina M. Bisignano, by and through her undersigned counsel of record, hereby opposes the government’s January 28, 2024 Motion to revoke Release Order (hereafter “Motion”). Dkt. 80. Ms. Bisignano has not violated the conditions of her release order and respectfully requests that the Court deny the Motion. Ms. Bisignano further requests that the Court reduce her current level of supervision from home confinement to a curfew requirement, remove the location monitoring condition, and remove the prohibition on social media usage.

**BACKGROUND**

On March 14, 2023, in an effort to have Ms. Bisignano detained, the government informed the Court that Ms. Bisignano allegedly had an active Twitter account. Dkt. 59 at 1-2. On May 4, 2023, this Court held a hearing on the previously issued pretrial violation report and modified Ms. Bisignano’s release conditions, *inter alia*, ordering that Ms. Bisignano “is prohibited from accessing social media for any purpose.”

On January 3, 2024, Ms. Bisignano’s mother unexpectedly passed away. On January 4, 2024, undersigned counsel moved the Court to modify Ms. Bisignano’s conditions of release to allow her to travel to Tennessee for her mother’s funeral. Dkt. 74. At that time, undersigned

counsel conferred with Ms. Bisignano's pretrial services officers in the Central District of California, who indicated that they did not oppose the request. Further, the officers indicated that Ms. Bisignano was in compliance with her conditions of release and had been performing well under supervision.

After her return from Tennessee, sometime during the week of January 15, 2024, Ms. Bisignano was contacted by her friend S.F.<sup>1</sup> Ex. 1, Declaration of S.F. S.F. contacted Ms. Bisignano socially, and learned from Ms. Bisignano about her mother's death and some financial issues that Ms. Bisignano was incurring related to her mother's death. S.F. suggested that Ms. Bisignano seek financial assistance from American Patriot Relief ("APR"), with whom S.F. volunteers her time. APR is a non-profit organization that raises money to support people and families of those persecuted for their religious or political beliefs, and particularly focuses on those prosecuted for their roles in the January 6 demonstrations. Additionally, S.F. informed Ms. Bisignano that she had a good friend who lived in Tennessee in close proximity to where Ms. Bisignano's mother's home is located, and S.F. wondered whether her friend might be of assistance in getting Ms. Bisignano's mother's house rented.

On January 20, 2024, Ms. Bisignano called S.F. to discuss applying for financial assistance from APR and also the possibility that S.F.'s friend could be of assistance in renting the Tennessee house. S.F. answered the call and informed Ms. Bisignano that she was currently hosting a "fundraiser." Ms. Bisignano understood S.F. to mean that she was engaged in an activity for APR and that Ms. Bisignano would have the opportunity to address the APR board,

---

<sup>1</sup> Counsel is redacting this witness's name and will request that the Court seal the February 8, 2024 hearing at which this witness will testify. Since the government filed the January 28, 2024 motion, Ms. Bisignano has received a series of threats over the telephone from anonymous callers. Witness S.F. similarly fears public retribution for having any involvement with this matter. Therefore, for her safety, counsel respectfully requests that S.F.'s identity be kept confidential.

and as such Ms. Bisignano asked to speak to the larger group. At no time did S.F. inform Ms. Bisignano that she was hosting a “twitter space” and Ms. Bisignano was not aware that she was speaking on a “twitter space.”

On Monday, January 22, 2024, Ms. Bisignano, still thinking she had addressed the APR board, sent APR an email thanking them for their time and any help they could provide. On January 25, 2024, Ms. Bisignano received confirmation from APR that her request for funding was denied.

At all relevant times, Ms. Bisignano has identified as a devout Christian. She attends religious services on Sundays, and has been a member of her church for approximately 15 years. In addition to in-person church services, Ms. Bisignano regularly calls into the Prisoner’s Record, which is a prayer group hosted by Pastor Hoang Quan. Ex. 2, Declaration of Hoang Quan. Prisoner’s Record is a Christian group that welcomes anyone who wishes to participate, but has a particular focus on those persecuted by the government and, as such, is widely joined by people on all ends of the political spectrum. This is not a political group, or a group that caters exclusively to January 6 defendants. The group has a large following and Pastor Quan views this group as a virtual mega church. Pastor Quan hosts the Prisoner’s Record on Telegram, which is an instant messaging service that allows users to exchange messages and hold private and group voice and video calls. On January 20, 2024, Ms. Bisignano called into the Prisoner’s Record to join the nightly prayer call. At some point, someone claiming to be a January 6 defendant apparently joined the call. Ms. Bisignano has no control of who might join these prayer calls and no advance notice of who might be on the call.

///

## ARGUMENT

It is the government's burden to establish by clear and convincing evidence, that Ms. Bisignano has violated her conditions of release. 18 U.S.C. § 3148(b)(1)(B). In its Motion (dkt. 80) and Supplement (dkt 81), the government argues that Ms. Bisignano has violated her terms of release in four ways: (1) Ms. Bisignano's use of Twitter; (2) Ms. Bisignano's participation in a "twitter space;" (3) Ms. Bisignano's participation in the Prisoner's Record; and (4) Ms. Bisignano's use of Tik Tok. The facts, however, establish that Ms. Bisignano has not violated this Court's orders.

1. Ms. Bisignano has not violated her bond conditions.

a. Ms. Bisignano has not intentionally accessed Twitter

The government complains that Ms. Bisignano maintains an active Twitter account. Yet given the government's representations, "active" is a misnomer. Despite its lengthy detailing of Ms. Bisignano's alleged Twitter usage, the government does not provide a single post or "tweet" that Ms. Bisignano made since the Court issued its May 4, 2023 Order. Indeed, the only Twitter activity the government cites post-dating the May 4, 2023 Order is two "likes" allegedly from Ms. Bisignano. A Twitter user who reads a post made by another person can "like" that post. Thus the government is not accusing Ms. Bisignano of posting anything to Twitter, but simply liking two posts other people have made.

Ms. Bisignano has not intentionally used the Twitter application since May 4, 2023 and has no recollection of "liking" a post in the recent past. However, people regularly text Ms. Bisignano news articles, and it is possible that someone texted her an article and she clicked on it without realizing it was a Twitter post. She will continue to make her best effort to be careful accessing materials that are sent to her.

b. Ms. Bisignano did not intentionally take part in a “Twitter space”

As detailed above, Ms. Bisignano did not intentionally take part in a “Twitter space.” She believed she was communicating with APR’s board members and was simply attempting to secure some financial assistance and locate a renter for her mother’s house in Tennessee. If necessary, S.F. will testify consistent with her declaration that Ms. Bisignano had no way of knowing that S.F. was hosting a “Twitter space.”

c. Ms. Bisignano’s participation in the Prisoner’s Record does not violate her conditions of release

Ms. Bisignano’s release conditions do not prevent her from attending religious services, or using the telephone, or sending text messages. Ms. Bisignano is accused of using the Telegram application, which is akin to using the telephone or sending text messages, to attend a religious service. Ms. Bisignano did not know in advance that other January 6 defendants would be taking part in the prayer call. If necessary, Pastor Quan will verify, consistent with his declaration, that the Prisoner’s Record is not a “group focused on January 6” but rather a more general prayer group that has attracted some January 6 defendants.

d. Ms. Bisignano’s alleged use of Tik Tok predates the Court’s May 4, 2023 Order

The government admits that Ms. Bisignano’s alleged use of Tik Tok all predates this Court’s May 4, 2023 Order. Dkt. 81 at 7 and 7 n.3. As such, what the government’s motion reflects is that since May 4, 2023, Ms. Bisignano has conformed her conduct to comply with this Court’s Orders.

///

2. The Court should deny the government's motion.

a. The government has failed to meet its burden under 18 U.S.C. § 3148

It is the government's burden to establish that revocation of release is appropriate under 18 U.S.C. § 3148(b). Here, the government is not alleging that Ms. Bisignano has committed a new federal, state, or local crime while on release. 18 U.S.C. § 3148(b)(1)(A). As such, it is the government's burden to establish by clear and convincing evidence that Ms. Bisignano has violated her conditions of release. For the reasons stated above, the government cannot meet that burden, and therefore revocation of release is not appropriate under § 3148.

If, however, the Court finds otherwise, then the analysis proceeds to § 3148(b)(2). The government does not allege that Ms. Bisignano is likely to flee or that she poses a danger to the safety of any other person or the community. Dkt. 80 at 27-30. As a result, the government must establish Ms. Bisignano is unlikely to abide by any condition or combination of conditions of release pursuant to § 3148(b)(2)(B).

The government's 30-page motion and 8-page supplement is largely focused on historical issues that the Court already considered in May 2023, and determined did not merit revoking bond in this case. If the government disagreed with that ruling, they had the right to appeal this Court's decision. They failed to do so. As a result, the issues have been decided adversely to the government, the decision is final, and the matter is closed.

With respect to the new allegations, i.e. Ms. Bisignano's unknowing appearance on a Twitter space, her participation in prayer calls, and two unintentional Twitter "likes," the defense maintains that these are either not violations of her bond conditions, or unintentional acts which do not meet the intent required to constitute violations of her bond conditions. If, however, the Court considers these acts violations of her bond conditions, the government cannot meet their

burden under § 3148(b)(2)(B) because Ms. Bisignano has demonstrated that since May 2023 she has been substantially able to abide by the Court's conditions of release.

b. The government has failed to meet its burden under 18 U.S.C. § 3143

The government's fallback argument is that Ms. Bisignano should be detained pending sentencing under 18 U.S.C. § 3143. The government does not allege that § 3143(a)(2) applies, and indeed this section does not apply because the counts of conviction do not satisfy the strictures of § 3143(a)(2)(A) and (B). Therefore, Ms. Bisignano could be detained unless the Court finds by clear and convincing evidence that she is not likely to flee or pose a danger to the safety of any other person or the community. 18 U.S.C. § 3143(a)

The Court permitted Ms. Bisignano to remain on bond following her guilty plea, and the withdrawal of a portion of her guilty plea, in this matter. The government now contends that the Court should revoke bond, but has made no showing that Ms. Bisignano is either a danger or likely to flee as required under § 3143(a). Therefore the government's motion is a non-starter under § 3143(a).

Since the inception of this case, the government has taken an unnecessarily aggressive approach to Ms. Bisignano's release conditions. When the court in Los Angeles granted her bond, the government appealed and brought Ms. Bisignano in custody to Washington D.C. When this Court granted Ms. Bisignano bond, the government continually and unsuccessfully sought to have her bond revoked. At this point, there is no legitimate concern that Ms. Bisignano is a flight risk. She has attended each and every court appearance either in person or via video, and has positively performed under location monitoring. There is also no legitimate concern that Ms. Bisignano poses any kind of threat to society. In the government's review of her years-old social media posts, they do not cite to a single post which comes even close to inciting violence

or organizing demonstrations or anything of the like. Indeed, when the government finally gets to the portion of their brief advocating for the Court to revoke Ms. Bisignano's conditions of release, they do not argue that she is either a flight risk or a danger to society. Dkt. 80 at 27-30.

The government's sole argument is that Ms. Bisignano should be detained because she has failed to follow the Court's orders. When, in actuality, the facts of this case show that Ms. Bisignano's performance under supervision has dramatically improved and she is in full compliance with the Court's orders. The Court should deny the government's motion under § 3143.

3. The Court should grant Ms. Bisignano's request for a bond modification

Ms. Bisignano respectfully requests that the Court permit her to remain on bond and reduce her supervision status from home detention to a curfew and remove the location monitoring condition. Ms. Bisignano has proven to the Court that she is not a risk in terms of either flight or danger, and therefore these conditions are not necessary.

Additionally, Ms. Bisignano respectfully requests that the Court lift the condition prohibiting social media usage. Ms. Bisignano is a small business owner who used to book clients using Instagram. The Court's prohibition on her social media usage has prevented her from maintaining business. Further, the condition is extremely restrictive given the government's very broad definition of social media to include prayer calls. Indeed, because of the prevalence of social media, Ms. Bisignano is presently at risk of accidentally violating her conditions of release, as demonstrated by the government's pending motion, which could result in a significant loss of liberty to her and a waste of this Court's time and resources.

///



Accordingly, Ms. Bisignano respectfully requests that the Court reduce her level of supervision by removing the home detention and location monitoring conditions and striking the prohibition on social media usage.

Respectfully submitted,

CUAUHTEMOC ORTEGA  
Federal Public Defender

DATED: February 6, 2024

By */s/ Jonathan C. Aminoff*

---

JONATHAN C. AMINOFF (Bar No. 259290)  
(E Mail: Jonathan\_Aminoff@fd.org)  
Deputy Federal Public Defenders  
Office of the Federal Public Defender, C.D. Cal  
321 East Second Street  
Los Angeles, California, 90012  
Telephone: (213) 894-2854  
Facsimile: (213) 894-0081

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

---

UNITED STATES OF AMERICA

v.

GINA BISIGNANO

Defendant.

---

:  
:  
:  
:  
:  
:  
:  
:

No.: 21-cr-036 (CJN)

**CERTIFICATE OF SERVICE**

I hereby certify on the 6th day of February 2024, a copy of same was electronically filed using the CM/ECF system, and thus delivered to the parties of record, and pursuant to the rules of the Clerk of Court:

Kimberly L. Paschall  
Assistant United States Attorney  
D.C. Bar No. 1015665  
555 4th Street, N.W.  
Room 4116  
Washington, D.C. 20530  
Phone: (202) 252-2650  
Email: Kimberly.Paschall@usdoj.gov

DATED: February 6, 2024

By */s/ Jonathan C. Aminoff*

---

JONATHAN C. AMINOFF (Bar No. 259290)  
(E Mail: Jonathan\_Aminoff@fd.org)  
Deputy Federal Public Defenders  
Office of the Federal Public Defender, C.D. Cal  
321 East Second Street  
Los Angeles, California, 90012  
Telephone: (213) 894-2854  
Facsimile: (213) 894-0081

# Exhibit 1

I, S [REDACTED] F [REDACTED], declare as follows:

1. My name is S [REDACTED] F [REDACTED]. I am a supporter of the American Patriot Relief Foundation, a non-profit organization. I have worked with them on two fundraising projects where defendants were close to losing their homes. I have known Gina Michelle Bisignano for approximately 1 year.
2. In early 2024, I began thinking of Ms. Bisignano. I had been tracking her case online for some time, but had not seen any recent developments and grew concerned about Ms. Bisignano because I had not heard from her in some time.
3. In approximately mid-January, 2024, I called Ms. Bisignano on the telephone to check on her, and we talked for some time. Ms. Bisignano informed me that her mother had recently died and she was having some financial issues. I found Ms. Bisignano to be distraught with grief. I suggested to Ms. Bisignano that she apply for financial assistance from American Patriot Relief Foundation. American Patriot Relief Foundation is a non-profit organization that supports individuals and families who are being prosecuted by the United States for their attendance at the Capital on January 6, 2021. One of American Patriot Relief's primary goals is to provide financial assistance and to fund raise for people whose homes are going into foreclosure.
4. In the course of my above-mentioned conversation with Ms. Bisignano, I learned that Ms. Bisignano's mother had lived in Mountain City, Tennessee. Coincidentally, I have a friend who lives in [REDACTED], and I told Ms. Bisignano that I thought he might be of some assistance to her in hopefully getting the house rented. Specifically, I believed my friend might be of assistance in helping to locate a property management company.
5. On Saturday, January 20, 2024, Ms. Bisignano called me. I was not expecting her call, and we had not arranged to speak on January 20, 2024. At the time she called, I was involved in a lengthy fundraising call that I was hosting on Twitter. I was using a newer smartphone to host the fundraising call, and I took Ms. Bisignano's call on a separate telephone. I told Ms. Bisignano that I was hosting a fundraising call, but I did not tell Ms. Bisignano that the call was taking place on Twitter. I have no reason to believe that Ms. Bisignano could have known at that time that I was speaking on a Twitter platform. I did not know that Ms. Bisignano was not supposed to be using social media. I placed my two telephones next to each other to allow Ms. Bisignano to address the fundraiser. Ms. Bisignano briefly spoke about her experience as a criminal defendant and her need for help in finding a renter for her house in Mountain City, Tennessee. She was on the call for approximately three minutes.

///

6. I am aware that Ms. Bisignano did, in fact, apply to American Patriot Relief for financial assistance. And I am aware that the American Patriot Relief board members denied her request on January 25, 2024. I then referred Ms. Bisignano to another fundraising crowdsource, who I thought might be able to help her.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Signed this \_\_\_\_ day of February, 2024.

A handwritten signature in black ink is written over two black rectangular redaction boxes. The signature is stylized and appears to be a cursive or semi-cursive script. The redaction boxes are positioned horizontally, one slightly overlapping the other, and are located below the signature.

# Exhibit 2

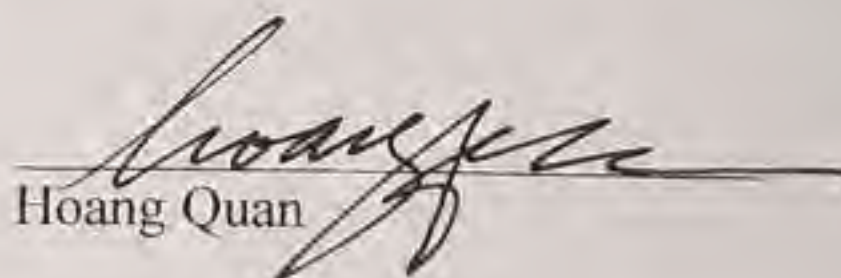


I, Hoang Quan, declare as follows:

1. My name is Hoang Quan. I am the Pastor of the Prisoner's Record church. We are a church and support group for anyone needing help in the justice system. We fellowship daily, meet in person when possible, and observe our Lord's communion weekly. I have a Master's Degree in Divinity, and I previously spent 5 years in seminary. I have served as a missionary and pastor and worked with hundreds of people in my capacity as a pastor. I know Gina Michelle Bisignano through my work as a pastor.
2. I started the Prisoner's Record as an online Church during the Covid epidemic to allow people to attend prayer groups, worship, and take part of a mutually supportive community that looks out for the interest of those undergoing trials in life and trials through the judicial and prison systems. The Prisoner's Record caters to anyone who wishes to attend on the condition that they not disrupt services for other congregants. While I do not cater to a particular political group, I do have congregants who are members of various political groups across the political spectrum.
3. Every weeknight at 9:00 p.m., I host a prayer call. I use the Telegram application to host my prayer calls because it allows my congregants some anonymity. I do not require participants to confirm their attendance in advance of the call. Congregants simply call in when they are able and either listen or actively join the prayer call.
4. In addition to prayer calls, I moderate an instant message thread on the Telegram application for my congregants. Congregants are free to post questions or prayers or whatever else is on their minds on the chat thread.
5. Gina Bisignano is one of my congregants. She frequently calls in to prayer calls and takes part in our services. When I first met Ms. Bisignano, I worried about her state of mind and grew deeply concerned for her well-being. I am well aware of the mental anguish that criminal defendants experience, and I consider myself and my online church to be a source of support and strength to my congregants. In the time she has been attending services, Ms. Bisignano has grown stronger, and I no longer have such concerns for her well-being.
6. I am aware that Ms. Bisignano is being accused of violating her release conditions, and specifically the ban on her social media usage. I do not consider my church to be a form of social media, but rather an online church. I certainly never warned my congregants that attending prayer calls would constitute a use of social media.

I declare under penalty of perjury under the laws of the United States of American that the foregoing is true and correct to the best of my knowledge.

Signed this 5th day of February 2024.

  
Hoang Quan